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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

JEANNIE FREDERICKSON,) Case No.
Plaintiff,)
vs.) **COMPLAINT**
NCO FINANCIAL SYSTEMS, INC.,)
Defendant.)

)

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for
Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et
seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive,
deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy
ancillary to Defendant's collection efforts.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Jeannie Fredrickson, is a natural person residing in Maricopa
County.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

5. Defendant, NCO Financial Systems, Inc., is a corporation engaged in the business of collecting debts by use of the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one hundred twenty days preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA in multiple ways, including but not limited to:

a) Causing Plaintiff's phone to ring with intent to harass, abuse or annoy (§ 1692d(5));

b) Failing to provide meaningful identification when communicating with Plaintiff, including failure by caller to give any personal name (§ 1692d(6));

c) Using abusive language the natural consequence of which is to harass, annoy or abuse Plaintiff, including telling Plaintiff that the Defendant can "make her life miserable" (§ 1692(d)).

8. Defendant's aforementioned violations of the FDCPA also constitute an invasion of Plaintiff's right to privacy, causing injury to Plaintiff's feelings, mental anguish and distress.

9. Defendant's aforementioned violations of the FDCPA also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's

1 life, conducted in a manner highly offensive to a reasonable person. With respect to
2 these activities of Defendant, Plaintiff had a subjective expectation of privacy that was
3 objectively reasonable under the circumstances.
4

5 **COUNT I: VIOLATION OF FAIR DEBT**
6 **COLLECTION PRACTICES ACT**

7 10. Plaintiff reincorporates by reference all of the preceding paragraphs.
8

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
11 Defendant for the following:
12

- 13 A. Declaratory judgment that Defendant's conduct
14 violated the FDCPA;
- 15 B. Actual damages;
- 16 C. Statutory damages;
- 17 D. Costs and reasonable attorney's fees; and,
- 18 E. For such other and further relief as may be just and proper.

19 **COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

20 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
21

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
24 Defendant for the following:
25

- 26 A. Actual damages
- 27 B. Punitive Damages; and,
- 28 C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 7th day of May, 2008.

By: s/ Marshall Meyers
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